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18 Attorneys for Plaintiff  
19 **Dairy, LLC**

20 **UNITED STATES DISTRICT COURT**  
21 **EASTERN DISTRICT OF CALIFORNIA**

22 DAIRY, LLC, a Delaware Limited Liability  
23 Company,

24 Plaintiff/Counterdefendant,

25 vs.

26 MILK MOOVEMENT, INC., a foreign  
27 Corporation, and MILK MOOVEMENT,  
28 LLC, a Delaware Limited Liability  
Company,

Defendants/Counterclaimants.

Case No. 2:21-cv-02233-WBS-AC

*Senior U.S. District Judge William B. Shubb  
U.S. Magistrate Judge Allison Claire*

**NOTICE OF MOTION AND MOTION  
FOR PROTECTIVE ORDER TO STAY  
DEFENDANT MILK MOOVEMENT,  
INC.'S NOTICES OF DEPOSITIONS  
OF AARON KEENER, DUANE  
BANDEROB, SCOTT SEXTON, RYAN  
MERTES, AND CHARLIE FISHER**

Complaint Filed: December 2, 2021  
FAC Filed: February 8, 2022  
Cross-Complaint Filed: April 27, 2022  
FACC Filed: July 21, 2022

1 **TO DEFENDANTS MILK MOOVEMENT, INC. AND MILK MOOVEMENT, LLC AND**  
2 **THEIR ATTORNEYS OF RECORD**

3 PLEASE TAKE NOTICE that the following Notice of Motion and Motion for Protective  
4 Order will be heard on April 5, 2023, at 10:00 a.m., or as soon thereafter as the matter may be  
5 heard, in Courtroom 26, 8th Floor of the Robert T. Matsui U.S. Courthouse, 501 I Street,  
6 Sacramento, CA 95814, the Honorable Allison Claire presiding.

7 Plaintiff Dairy, LLC (“Dairy”) will, and hereby does, move this Court, pursuant to  
8 Federal Rule of Civil Procedure 26(c) and Local Rule 251, for the following: (1) entry of a  
9 protective order forbidding the taking of the following depositions as noticed, on the grounds  
10 that the discovery requests are oppressive and unduly burdensome, for reasons including but not  
11 limited to the fact that despite Dairy’s good faith efforts to meet and confer with Milk regarding  
12 deposition scheduling, Milk has refused to accept any of the alternative dates offered by Dairy  
13 and has instead demanded dates that are unworkable for Dairy’s witnesses and counsel, and  
14 therefore the parties are at an impasse; given that the first deposition is set for Monday,  
15 February 27, 2023 and Milk has refused to reschedule, Dairy is forced to seek the protection of  
16 the Court. The subject depositions are as follows: (a) Aaron Keener, pursuant to Milk  
17 Moovement’s Notice of Deposition of Aaron Keener, which was served on Dairy on  
18 February 11, 2023 and set a noticed date of deposition for February 27, 2023; (b) Duane  
19 Banderob, pursuant to Milk Moovement’s Notice of Deposition of Duane Banderob, which was  
20 served on Dairy on February 11, 2023 and set a noticed date of deposition for March 1, 2023;  
21 (c) Scott Sexton pursuant to Milk Moovement’s Notice of Deposition of Scott Sexton, which was  
22 served on Dairy on February 11, 2023 and set a noticed date of deposition for March 3, 2023,  
23 which is improper for additional reasons beyond refusal to meaningfully meet and confer on  
24 scheduling, to be detailed in the forthcoming Joint Statement; (d) Ryan Mertes, pursuant to Milk  
25 Moovement’s Notice of Deposition of Ryan Mertes, which was served on Dairy on  
26 February 11, 2023 and set a noticed date of deposition for March 7, 2023; and (e) Charlie Fisher,  
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1 pursuant to Milk Moovement's Notice of Deposition of Charlie Fisher, which was served on  
2 Dairy on February 11, 2023 and set a noticed date of deposition for March 9, 2023. And (2) entry  
3 of an order setting the aforementioned depositions for later dates to be mutually agreed on by the  
4 parties, and subject to the availability of Dairy's witnesses and counsel. This Notice of Motion  
5 and Motion for Protective Order is based on this Notice of Motion and Motion; Dairy's  
6 arguments in the parties' forthcoming Joint Statement; all pleadings on file in this action; and  
7 any other evidence or argument that may be presented to the Court in connection with this  
8 Motion.

9  
10 February 24, 2023

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15 By: /s/ Simona A. Agnolucci  
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18 and Counterdefendant  
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